

United States District Court

for the

Southern District of Texas

UNITED STATES OF AMERICA)

V.)

Bonane LWAMBA) Case Number:

Kitete MAGAZINE)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of January 24, 2020 in the county of Webb in the
(Date)
Southern District of Texas, the defendant(s) violated:

Code Section

Title 8 United States Code, Section
1324

Offense Description

Knowing and in reckless disregard of the fact that a certain alien had come to, entered, and remained in the United States in violation of law, did transport and move, attempt to transport and move, and conspire to transport and move such alien within the United States, by means of transportation and otherwise, in furtherance of such violation of law.

This criminal complaint is based on these facts:

See attachment "A".

☒ Continued on the attached sheet.

/s/ : Edmond Palomarez

Complainant's Signature

Edmond Palomarez, Special Agent

Printed Name and Title

Sworn to before me and signed in my presence,

Date: January 27, 2020

Judge's Signature

City and State: Laredo, Texas

Sam Sheldon, U.S. Magistrate Judge

Printed Name and Title

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Bonane LWAMBA**Kitete MAGAZINE****[CONT OF BASIS OF COMPLAINT]**

On January 24, 2020, a Border Patrol Agent (BPA) was assigned to the primary inspection area of the United States Border Patrol (USBP) IH- 35 checkpoint in Webb County, Texas. At approximately 3:45 p.m., the driver of a white cargo van, later identified as Bonene LWAMBA, approached for inspection. LWAMBA was accompanied by his passenger Kitete MAGAZINE. The BPA asked LWAMBA where he was headed to which he replied "San Antonio". The BPA followed up by asking what was in the rear cargo area of the van to which LWAMBA replied "It's empty." A BPA Canine Handler (K9) with his service canine conducted a free air sniff of the cargo van while the BPA on primary conducted his inspection. The BPA K9 informed the BPA at primary that his service canine was alerting to an odor emitting from within the conveyance and instructed him to refer LWAMBA, MAGAZINE, and the cargo van to the secondary inspection station for further inspection.

A BPA assigned to the secondary inspection area recalled witnessing LWAMBA communicate towards the cargo area of the van as he drove towards his position. LWAMBA and MAGAZINE were asked to exit the van once they arrived at secondary inspection. The BPA in secondary escorted LWAMBA and MAGAZINE to a bench in the waiting area and inquired about the contents of the van while doing so. The BPA stated LWAMBA and MAGAZINE admitted to picking up subjects on the side of the highway. The BPA K9 stated his service canine conducted another free air sniff of the cargo van once LWAMBA and MAGAZINE exited the vehicle in secondary, and once again alerted to the presence of narcotics and/or concealed humans. The BPA K9 opened the passenger door and discovered several individuals laying on the floor of the cargo area of the van.

BPA's discovered a total of ten (10) persons within the cargo area of the van. Immigration inspections revealed all ten (10) persons were undocumented aliens (UDAs) who were citizens of Mexico illegally present inside the United States with no legal documentation to remain inside the United States.

Homeland Security Investigations (HSI) special agents (SAs) were advised of the incident and responded to the USBP Checkpoint.

HSI SAs interviewed LWAMBA. LWAMBA agreed to speak without the presence of a lawyer. LWAMBA is a citizen and national of the Republic of Burundi and holds a Legally Admitted Permanent Resident status within the United States. LWAMBA claimed to have transported a legitimate cargo load to Laredo, Texas as part of his driving duties on the morning of January 24, 2020. According to LWAMBA, he and MAGAZINE drove to a gas station shortly after delivering the load. LWAMBA claimed he was approached by a male at the gas station who offered him \$500 USD per person he transported to San Antonio, Texas for a funeral. LWAMBA admitted he agreed and followed the subject's vehicle to a house. LWAMBA stated he notified the subject when he and MAGAZINE arrived. LWAMBA claimed the subject escorted a group of individuals from inside the house and onto the white cargo van. LWAMBA recalled the subject stayed behind and did not join the individuals in the back of the van. LWAMBA claimed he departed the location and drove straight towards San Antonio, Texas. LWAMBA claimed he was instructed to call the subject, which he saved in his phone as "Mexican Real Deal", once he arrived in San Antonio, Texas. LWAMBA was encountered by BPA's a short time later. LWAMBA repeatedly expressed he had no idea there was a USBP checkpoint on Interstate Highway 35.

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V.

Bonane LWAMBA**Kitete MAGAZINE****[CONT OF BASIS OF COMPLAINT]**

HSI SAs interviewed MAGAZINE. MAGAZINE agreed to speak without the presence of a lawyer. MAGAZINE is a citizen and national of the Democratic Republic of Congo and holds a Legally Admitted Permanent Resident status within the United States. MAGAZINE claimed to have transported a legitimate cargo load to Laredo, Texas with LWAMBA on the morning of January 24, 2020. According to MAGAZINE, he and LWAMBA drove to a gas station shortly after delivering the load. MAGAZINE claimed LWAMBA was approached by a male at the gas station that offered him \$500 USD to transport individuals to San Antonio, Texas. MAGAZINE claimed LWAMBA agreed to the job and would ultimately split some of his earnings with MAGAZINE. MAGAZINE stated they followed the subject to a residential area. MAGAZINE claimed the subject instructed them to reposition the cargo van upon arrival. MAGAZINE recalled the subject escorted a group of individuals from inside a vehicle and onto their cargo van. MAGAZINE stated they departed the location and drove until they encountered the immigration checkpoint. MAGAZINE repeatedly expressed he had no idea there was a USBP checkpoint on Interstate Highway 35.

HSI SAs interviewed material witnesses Javier PONCE-Ramirez, Moises AGUETA-Sanchez, and Victor Manuel MELCHOR-Ramos. All three material witnesses are citizens and nationals of Mexico. All stated they agreed to pay varying amounts of money to be smuggled to cities within the interior of the United States. All material witnesses reported they illegally entered the United States by crossing the Rio Grande River by wading or raft between January 19, 2020 and January 22, 2020.

All material witnesses claimed to have been instructed by a Hispanic male to exit the alien stash house on January 24, 2020. All material witnesses claimed the Hispanic male opened the rear doors to a van and instructed them to get inside. All material witnesses asserted the vehicle made no stops until reaching the USBP checkpoint. All material witnesses recalled observing two black subjects occupying the driver and passenger seats for the duration of the event. MELCHOR claimed he overheard LWAMBA and MAGAZINE speaking a language other than Spanish.

[END]

